

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM, INC., et al.,

Plaintiffs,

v.

AUTOSPEEDSTORE, et al.,

Defendants.

CASE NO. C22-1183 MJP

ORDER GRANTING EX PARTE
MOTION TO CONSOLIDATE

This matter comes before the Court on Plaintiffs' Ex Parte Rule 42 Motion to Consolidate Cases. (Dkt. No. 9.) Having reviewed the Motion, the Complaint in this matter and the Complaints in C22-1184 MJP and C22-1186 MJP, and all supporting materials, the Court GRANTS the Motion.

On August 25, 2022 Plaintiffs filed three separate lawsuits alleging what they assert to be "identical causes of action based on similar fact patterns" against different groups of defendants. (Dkt. No. 9 at 2.) Plaintiffs pursue breach of contract, Lanham Act, and Washington Consumer Protection Act claims in all of the lawsuits, but they assert them against apparently distinct

1 defendants. The other cases are C22-1184 MJP and C22-1186 MJP. Although Plaintiffs chose to
2 file these lawsuits separately, they now ask the Court to consolidate them for all further
3 proceedings.

4 Under Rule 42(a), the Court may consolidate cases that involve common questions of law
5 or fact. Fed. R. Civ. P. 42(a). The Court enjoys broad discretion in making this determination.
6 See Inv'rs Research Co. v. U.S. Dist. Ct. for Cent. Dist. of Cal., 877 F.2d 777, 777 (9th Cir.
7 1989). The Court usually considers several factors in analyzing consolidation, including judicial
8 economy, whether consolidation would expedite resolution of the case, whether separate cases
9 may yield inconsistent results, and the potential prejudice to a party opposing. See 9 Charles
10 Alan Wright & Arthur R. Miller, Federal Practice and Procedure: Civil § 2383 (3rd ed. 2020).

11 The Court finds that consolidation is appropriate on the record before it. Having reviewed
12 the Complaints in all three cases, the Court is satisfied that the lawsuits share related issues of
13 law and overlapping facts. Consolidation will help ensure consistent resolution of issues of law,
14 and it will expedite resolution of the cases. While the Court notes that consolidation ex parte is
15 unusual, it finds the matter ripe at this stage for purposes of economy and efficiency. And the
16 Court accepts at this time Plaintiffs' assertion that "Defendants will suffer no prejudice by
17 consolidation." (Dkt. No. 9 at 4.) But the Court's Order does not foreclose Defendants from
18 challenging Plaintiffs' assertion or the Court's Order on consolidation once they have been
19 served and have an opportunity to respond to these lawsuits. Any such challenge must be filed
20 within 30 days of service. With that caveat, the Court GRANTS the Motion and ORDERS these
21 three cases be consolidated.

22 All papers filed in this consolidated action must be filed under Case No. C22-1183 MJP,
23 the number assigned to the first-filed case, and they must bear the following caption:
24

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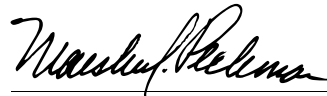
v.

AUTOSPEEDSTORE, et al.,
Defendants.

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The clerk is ordered to provide copies of this order to all counsel.

Dated October 19, 2022.



Marsha J. Pechman
United States Senior District Judge